

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

KCAS, LLC, a Wyoming Limited Liability
Company,

Plaintiff,

v.

NASH-FINCH CO., a Delaware Limited
Liability Company,

Defendant.

CASE NO. _____

NOTICE OF REMOVAL

COMES NOW the Defendant, Nash Finch Company (improperly named as Nash-Finch Co.), by and through counsel, and hereby gives notice of the removal of the above-captioned action from the District Court of Scotts Bluff County, Nebraska, Case No. CI 17-574, to the United States District Court for the District of Nebraska pursuant to 28 U.S.C. §§1332 and 1441. In support of this Notice of Removal, Defendant states as follows:

1. On October 12, 2017, Plaintiff, KCAS, LLC ("Plaintiff"), filed its Complaint in the above-captioned civil action in the District Court of Scotts Bluffs County, Nebraska. Defendant accepted service of the Complaint on October 16, 2017. Accordingly, this Notice of Removal is filed pursuant to 28 U.S.C. §1446 within 30 days of Defendant's first receipt of the Complaint.

2. According to the information and belief of the Defendant, there is complete diversity of the parties and the amount in controversy exceeds \$75,000, exclusive of interest and costs.

3. Plaintiff is limited liability company organized and existing under the laws of the State of Wyoming. (Complaint, ¶ 1).

4. Defendant is a Delaware limited liability company. (Complaint, ¶ 2)

5. As a result of the complete diversity between Plaintiff and the Defendant, this action is removable pursuant to 28 U.S.C. §1332.

6. The amount in controversy threshold required by 28 U.S.C. §1332 is met as Plaintiff's Complaint alleges amounts due and owing to Plaintiff from Defendant in the amount of no less than \$150,000.00. (Complaint, ¶ 15)

7. Attached hereto as Exhibit "A" are copies of all state court process, pleadings, and orders served upon Defendant. No further pleadings or notices have been served upon Defendant or filed with the District Court of Scotts Bluff County, Nebraska

8. Attached as Exhibit "B" is a true and correct copy of the Notice of Filing of Notice of Removal which has been served with this Notice of Removal on all parties to be filed with the District Court of Scotts Bluff County, Nebraska.

9. Defendant requests trial of this matter in Omaha, Nebraska.

WHEREFORE, Defendant notifies the Court of the removal of this action from the District Court of Scotts Bluff County, Nebraska to the United States District Court for the District of Nebraska.

Dated this 14th day of November, 2017

NASH FINCH COMPANY, Defendant,

By: /s/Jennifer D. Tricker
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CERTIFICATE OF SERVICE

I hereby certify that on November 14, 2017, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which sent notification of such filing to the following:

Andrew W. Snyder
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/s/Jennifer D. Tricker

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